

REMARKS

Amendments to the Claims

Claims 1-57 are pending in this application. Claims 1-33, 37 and 39-57 are withdrawn for being drawn to non-elected inventions.

Applicants have canceled claim 35 without prejudice. Claim 34 has been amended, without prejudice, to relate to the subject matter that applicants intend to pursue in this application and to more clearly point out and distinctly claim the subject matter. Support for the amendment to claim 34 is found throughout the specification, e.g., at original claim 35. Applicants expressly reserve the right to pursue the canceled subject matter in subsequent applications that claim the benefit of this application. Applicants have added claims 58-60. Support for these claims is found throughout the specification, e.g., at original claim 35. No new matter is introduced by the amendments.

Applicants submit that these amendments place the claims in condition for allowance, or at least present the rejected claims in better form for consideration on appeal and should therefore be entered after the final rejection. 37 C.F.R. § 1.116(a). None of these amendments adds new matter.

The Advisory Action

The Examiner has not entered applicants' proposed amendment because he states that it raises the issue of new matter. Specifically, the Examiner states that applicants do not provide clear support for the phrase "or a combination thereof" in claim 34¹ as amended in applicants' December 9, 2005 Response to Office Action.

Applicants respectfully disagree with the Examiner. However, solely to expedite prosecution, applicants have amended claim 34, without prejudice, to recite that the MIR is ILT2 (MIR7), ILT3, ILT4 (MIR-10), *i.e.*, amended claim 34 incorporates the subject matter of claim 35 and it no longer recites the phrase objected to by the Examiner. Applicants have also canceled claim 35. Applicants expressly reserve the right to pursue the canceled subject matter in subsequent applications that claim the benefit of this application. Rejected claims 36 and 38 depend from amended claim 34. New claims 58-60 also depend from claim 34. Applicants request that the Examiner reconsider and withdraw this ground of rejection.

The Final Office Action

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 34, 36 and 38 stand rejected for lack of enablement. The Examiner acknowledges that the specification is enabling for a method of inducing anergic T helper cells

by overexpressing in APC mRNA that encodes at least one monocyte inhibitory receptor (MIR), where the MIR is ILT2 (MIR7), ILT3, or ILT4 (MIR-10). However, the Examiner alleges that the specification does not enable this method using any MIR. Claim 35 is objected to as being dependent on rejected base claim 34.

As stated above, claim 34 as amended herein is directed to the subject matter that the Examiner acknowledges is enabled, thus, obviating this rejection.

¹ Applicants believe the Examiner inadvertently referred to claim 35 in the February 13, 2006 Advisory Action. The rejection by the Examiner appears to be directed to the amendments made to claim 34 in applicants' December 9, 2005 Response to Office Action.

CONCLUSION

Applicants respectfully submit that the claims as amended are in condition for allowance. To expedite prosecution, the Examiner is invited to telephone the undersigned to discuss any matter that may be resolved over the telephone.

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Respectfully submitted,



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